

State of Arizona
Senate
Forty-fourth Legislature
Second Regular Session
2000

SENATE BILL 1202

AN ACT

AMENDING SECTION 32-3405, ARIZONA REVISED STATUTES; AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 41; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3010.01; MAKING AN APPROPRIATION; RELATING TO THE BOARD OF ATHLETIC TRAINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3405, Arizona Revised Statutes, is amended to
3 read:

4 32-3405. Occupational therapy fund; deposit of receipts by
5 board; account

6 A. ~~AN~~ THE occupational therapy fund is established. All monies
7 collected under this chapter shall be deposited with the state treasurer who
8 shall place civil penalties imposed under section 32-3442, subsection G and
9 ten per cent of all other monies received in the STATE general fund and the
10 remaining monies in the occupational therapy fund. Monies in the fund may be
11 used by the board for payment of all necessary board expenses, including
12 compensation and expenses of board members upon claims approved by the board.

13 B. Monies deposited in the occupational therapy fund are subject to
14 the provisions of section 35-143.01.

15 C. THE BOARD SHALL ESTABLISH A SEPARATE ACCOUNT IN THE FUND FOR MONIES
16 TRANSFERRED TO THE FUND PURSUANT TO SECTION 32-4105.

17 Sec. 2. Title 32, Arizona Revised Statutes, is amended by adding
18 chapter 41, to read:

19 CHAPTER 41

20 ATHLETIC TRAINERS

21 ARTICLE 1. GENERAL PROVISIONS

22 32-4101. Definitions

23 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 1. "ATHLETIC INJURY" MEANS AN INJURY SUSTAINED BY A PERSON IN A
25 COMPETITIVE TEAM OR INDIVIDUAL SPORT AS A RESULT OF THAT PERSON'S
26 PARTICIPATION OR PREPARATION FOR THE COMPETITIVE TEAM OR INDIVIDUAL SPORT.

27 2. "ATHLETIC TRAINER" MEANS A PERSON WHO IS LICENSED PURSUANT TO THIS
28 CHAPTER.

29 3. "ATHLETIC TRAINING":

30 (a) INCLUDES THE FOLLOWING ACTIVITIES PERFORMED UNDER THE DIRECTION OF
31 A LICENSED PHYSICIAN:

32 (i) EXAMINING, EVALUATING AND TESTING A PERSON TO DETERMINE THE
33 PERSON'S INJURY STATUS AND THE PERSON'S PROGRESS IN RECOVERY FROM ATHLETIC
34 INJURIES.

35 (ii) USING HEAT, COLD, WATER, LIGHT, SOUND, ELECTRICITY, PASSIVE OR
36 ACTIVE EXERCISE, MASSAGE OR MECHANICAL DEVICES TO TREAT, REHABILITATE OR
37 RECONDITION ATHLETIC INJURIES.

38 (iii) ADMINISTERING ATHLETIC TRAINING PROGRAMS AND FACILITIES AT THE
39 ATHLETIC TRAINING FACILITY OR AT THE SITE OF ATHLETIC PRACTICE OR
40 COMPETITION.

41 (iv) EDUCATION AND COUNSELING RELATED TO ALL ASPECTS OF THE PRACTICE
42 OF ATHLETIC TRAINING.

43 (b) DOES NOT INCLUDE TREATING, ASSESSING OR EVALUATING A PERSON WHO
44 SUSTAINS AN INJURY UNDER ANY CIRCUMSTANCE OTHER THAN DURING PARTICIPATION IN
45 OR PREPARATION FOR COMPETITIVE TEAM OR INDIVIDUAL SPORTS. THIS SUBDIVISION

1 DOES NOT PREVENT THE ATHLETIC TRAINER OF A PROFESSIONAL SPORTS ORGANIZATION
2 OR AN ACCREDITED EDUCATIONAL INSTITUTION FROM TREATING AT THE ORGANIZATION'S
3 OR INSTITUTION'S ATHLETIC FACILITY ANY INJURY OF THE TYPE THAT OCCURS IN
4 SPORTS REGARDLESS OF THE CIRCUMSTANCES UNDER WHICH THE INJURY WAS SUSTAINED.

5 4. "BOARD" MEANS THE BOARD OF ATHLETIC TRAINING.

6 5. "DIRECT SUPERVISION" MEANS THAT THE SUPERVISING ATHLETIC TRAINER IS
7 PRESENT IN THE FACILITY OR ON THE CAMPUS WHERE STUDENT ATHLETIC TRAINERS ARE
8 PERFORMING SERVICES, IS IMMEDIATELY AVAILABLE TO ASSIST THE PERSON BEING
9 SUPERVISED IN THE SERVICES BEING PERFORMED AND MAINTAINS CONTINUED
10 INVOLVEMENT IN APPROPRIATE ASPECTS OF THE SERVICES BEING PERFORMED.

11 6. "DIRECTION OF A LICENSED PHYSICIAN" MEANS DIRECTION AS PRESCRIBED
12 BY THE BOARD BY RULE PURSUANT TO SECTION 32-4103.

13 7. "LICENSED PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO CHAPTER 13
14 OR 17 OF THIS TITLE.

15 8. "RESTRICTED LICENSE" MEANS A LICENSE ON WHICH THE BOARD PLACES
16 RESTRICTIONS OR CONDITIONS, OR BOTH, AS TO THE SCOPE OF PRACTICE, PLACE OF
17 PRACTICE, SUPERVISION OF PRACTICE, DURATION OF LICENSE STATUS OR TYPE OR
18 CONDITION OF A PERSON TO WHOM THE LICENSEE MAY PROVIDE SERVICES.

19 32-4102. Board; membership; duties; immunity

20 A. THE BOARD OF ATHLETIC TRAINING IS ESTABLISHED CONSISTING OF THE
21 FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

22 1. THREE ATHLETIC TRAINERS WHO ARE RESIDENTS OF THIS STATE, POSSESS AN
23 UNRESTRICTED LICENSE TO PRACTICE ATHLETIC TRAINING IN THIS STATE AND HAVE
24 BEEN PRACTICING IN THIS STATE FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING
25 THEIR APPOINTMENT. THE GOVERNOR MAY MAKE THESE APPOINTMENTS FROM A LIST OF
26 NAMES SUBMITTED BY A STATEWIDE ATHLETIC TRAINING ASSOCIATION OR ANY OTHER
27 GROUP OR PERSON. THE INITIAL THREE APPOINTEES ARE NOT REQUIRED TO BE
28 LICENSED PURSUANT TO THIS CHAPTER AT THE TIME OF SELECTION BUT SHALL MEET ALL
29 OF THE QUALIFICATIONS FOR LICENSURE AS PRESCRIBED BY THIS CHAPTER.

30 2. TWO PUBLIC MEMBERS WHO ARE RESIDENTS OF THIS STATE AND WHO ARE NOT
31 AFFILIATED WITH AND DO NOT HAVE ANY FINANCIAL INTEREST IN ANY HEALTH CARE
32 PROFESSION BUT WHO HAVE AN INTEREST IN CONSUMER RIGHTS.

33 B. BOARD MEMBERS SERVE STAGGERED FIVE YEAR TERMS THAT BEGIN AND END ON
34 THE THIRD MONDAY IN JANUARY. BOARD MEMBERS SHALL NOT SERVE FOR MORE THAN TWO
35 SUCCESSIVE FIVE YEAR TERMS OR FOR MORE THAN TEN CONSECUTIVE YEARS.

36 C. IF REQUESTED BY THE BOARD, THE GOVERNOR MAY REMOVE A BOARD MEMBER
37 FOR MISCONDUCT, INCOMPETENCE OR NEGLECT OF DUTY.

38 D. BOARD MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT
39 TO TITLE 38, CHAPTER 4, ARTICLE 2 TO COVER NECESSARY EXPENSES FOR ATTENDING
40 EACH BOARD MEETING OR FOR REPRESENTING THE BOARD IN AN OFFICIAL BOARD
41 APPROVED ACTIVITY.

42 E. A BOARD MEMBER WHO ACTS WITHIN THE SCOPE OF BOARD DUTIES, WITHOUT
43 MALICE AND IN THE REASONABLE BELIEF THAT THE PERSON'S ACTION IS WARRANTED BY
44 LAW IS NOT SUBJECT TO CIVIL LIABILITY.

32-4103. Board duties; direction of athletic trainers

A. THE BOARD SHALL:

1. EVALUATE THE QUALIFICATIONS OF APPLICANTS FOR LICENSURE.
2. DESIGNATE THE NATIONAL EXAMINATION THAT IT REQUIRES APPLICANTS TO PASS.
3. ISSUE LICENSES TO PERSONS WHO MEET THE REQUIREMENTS OF THIS CHAPTER.
4. ESTABLISH REQUIREMENTS PERTAINING TO THE RATIO BETWEEN SUPERVISING ATHLETIC TRAINERS AND STUDENT ATHLETIC TRAINERS.
5. REGULATE THE PRACTICE OF ATHLETIC TRAINING BY INTERPRETING AND ENFORCING THIS CHAPTER.
6. ESTABLISH REQUIREMENTS FOR ASSESSING THE CONTINUING COMPETENCE OF LICENSEES.
7. ADOPT AND REVISE RULES TO ENFORCE THIS CHAPTER.
8. MEET AT LEAST ONCE EACH QUARTER IN COMPLIANCE WITH THE OPEN MEETING REQUIREMENTS OF TITLE 38, CHAPTER 3, ARTICLE 3.1 AND KEEP AN OFFICIAL RECORD OF THESE MEETINGS.
9. AT ITS FIRST REGULAR MEETING AFTER THE START OF EACH CALENDAR YEAR, ELECT OFFICERS FROM AMONG ITS MEMBERS AND AS NECESSARY TO ACCOMPLISH BOARD BUSINESS.
10. PROVIDE FOR THE TIMELY ORIENTATION AND TRAINING OF NEW PROFESSIONAL AND PUBLIC APPOINTEES TO THE BOARD REGARDING BOARD LICENSING AND DISCIPLINARY PROCEDURES, THIS CHAPTER, BOARD RULES AND BOARD PROCEDURES.
11. MAINTAIN A CURRENT LIST OF ALL LICENSEES. THIS LIST SHALL INCLUDE THE LICENSEE'S NAME, CURRENT BUSINESS AND RESIDENTIAL ADDRESSES, TELEPHONE NUMBERS AND LICENSE NUMBER.
12. ENTER INTO CONTRACTS FOR SERVICES NECESSARY TO ENFORCE THIS CHAPTER.
13. PUBLISH, AT LEAST ANNUALLY, FINAL DISCIPLINARY ACTIONS TAKEN AGAINST A LICENSEE.
14. PUBLISH, AT LEAST ANNUALLY, BOARD RULINGS, OPINIONS AND INTERPRETATIONS OF STATUTES OR RULES.
15. NOT LATER THAN DECEMBER 31 OF EACH YEAR, SUBMIT A WRITTEN REPORT OF ITS ACTIONS AND PROCEEDINGS TO THE GOVERNOR.

B. THE BOARD SHALL ADOPT RULES TO PRESCRIBE THE DIRECTION OF ATHLETIC TRAINERS BY LICENSED PHYSICIANS INCLUDING PHYSICIAN RECOMMENDATIONS, GUIDELINES AND INSTRUCTIONS AS TO STANDARD PROTOCOLS TO BE FOLLOWED IN THE GENERAL, DAY-TO-DAY ACTIVITIES IN WHICH ATHLETIC TRAINERS ENGAGE. THESE RULES SHALL REQUIRE THAT POSTATHLETIC INJURY TREATMENT DIRECTION BE PROVIDED BY THE PERSON'S TREATING PHYSICIAN OR, IF APPLICABLE, BY THE TEAM PHYSICIAN FOR THE INSTITUTION OR ORGANIZATION THAT EMPLOYS THE ATHLETIC TRAINER. IF APPROPRIATE, ATHLETIC TRAINERS MAY ALSO SEEK DIRECTION AS TO THE TREATMENT OF AN ATHLETIC INJURY FROM ANY HEALTH CARE PROVIDER WHO IS INVOLVED IN THAT PERSON'S TREATMENT AND WHO IS NOT LICENSED PURSUANT TO THIS CHAPTER BUT WHO IS LICENSED PURSUANT TO THIS TITLE.

1 32-4104. Executive director; personnel; duties; compensation

2 A. THE EXECUTIVE DIRECTOR OF THE BOARD OF OCCUPATIONAL THERAPY
3 EXAMINERS SHALL ALSO SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF ATHLETIC
4 TRAINING.

5 B. THE STAFF OF THE BOARD OF OCCUPATIONAL THERAPY EXAMINERS SHALL
6 CARRY OUT THE ADMINISTRATIVE RESPONSIBILITIES OF THE BOARD OF ATHLETIC
7 TRAINING.

8 32-4105. Deposit of monies received by board

9 EXCEPT AS PROVIDED IN SECTION 32-4157, PURSUANT TO SECTIONS 35-146 AND
10 35-147, THE BOARD SHALL DEPOSIT TEN PER CENT OF ALL MONIES COLLECTED PURSUANT
11 TO THIS CHAPTER IN THE STATE GENERAL FUND AND DEPOSIT THE REMAINING NINETY
12 PER CENT OF THE MONIES IN A SEPARATE ACCOUNT ESTABLISHED FOR THE BOARD OF
13 ATHLETIC TRAINING IN THE OCCUPATIONAL THERAPY FUND ESTABLISHED BY SECTION
14 32-3405.

15 ARTICLE 2. LICENSURE

16 32-4121. Persons and activities not required to be licensed

17 THIS CHAPTER DOES NOT APPLY TO:

18 1. A HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO THIS TITLE
19 AND WHO PRACTICES WITHIN THE SCOPE OF THAT PERSON'S LICENSE IF THAT PERSON
20 DOES NOT CLAIM TO BE AN ATHLETIC TRAINER OR A PROVIDER OF ATHLETIC TRAINING
21 SERVICES.

22 2. A PERSON WHO IS PURSUING A COURSE OF STUDY LEADING TO A DEGREE AS
23 AN ATHLETIC TRAINER IN A PROFESSIONAL EDUCATION PROGRAM APPROVED BY THE BOARD
24 IF THAT PERSON IS SATISFYING SUPERVISED CLINICAL EDUCATION REQUIREMENTS
25 RELATED TO THE PERSON'S ATHLETIC TRAINING EDUCATION WHILE UNDER THE DIRECT
26 SUPERVISION OF A LICENSED ATHLETIC TRAINER.

27 3. AN ATHLETIC TRAINER WHO IS PRACTICING IN THE UNITED STATES ARMED
28 SERVICES, UNITED STATES PUBLIC HEALTH SERVICE OR VETERANS ADMINISTRATION
29 PURSUANT TO FEDERAL REGULATIONS FOR STATE LICENSURE OF HEALTH CARE PROVIDERS.

30 4. AN ATHLETIC TRAINER WHO RESIDES AND IS EMPLOYED IN ANOTHER
31 JURISDICTION AND WHO POSSESSES THE QUALIFICATIONS FOR LICENSURE IN THIS STATE
32 IF THAT PERSON IS PERFORMING ATHLETIC TRAINING IN THIS STATE IN CONNECTION
33 WITH TEACHING OR PARTICIPATING IN AN EDUCATIONAL SEMINAR OR IS PROVIDING
34 ATHLETIC TRAINING SERVICES IN THIS STATE TO ATHLETES OF A BONA FIDE
35 PROFESSIONAL, INTERCOLLEGIATE, INTERSCHOLASTIC OR AMATEUR SPORTS ORGANIZATION
36 BY WHICH THE ATHLETIC TRAINER IS EMPLOYED, FOR NOT MORE THAN SIXTY DAYS IN
37 ANY TWELVE MONTH PERIOD.

38 32-4122. Qualifications for licensure; exemption from
39 examination and clinical experience requirements

40 A. AN APPLICANT FOR A LICENSE AS AN ATHLETIC TRAINER SHALL:

- 41 1. BE OF GOOD MORAL CHARACTER.
42 2. HAVE COMPLETED THE APPLICATION PROCESS.
43 3. POSSESS A MINIMUM OF A BACCALAUREATE DEGREE FROM AN ACCREDITED
44 INSTITUTION WITH COURSE WORK AND SUPERVISED CLINICAL EXPERIENCE AS REQUIRED
45 AND APPROVED BY THE BOARD.

1 4. HAVE PASSED A NATIONAL EXAMINATION APPROVED BY THE BOARD.

2 B. NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION A, IF A PERSON WHO
3 APPLIES FOR A LICENSE UNDER THIS ARTICLE IS CERTIFIED AS AN ATHLETIC TRAINER
4 BY AN ORGANIZATION RECOGNIZED BY THE NATIONAL COMMISSION ON COMPETENCY
5 ASSURANCE, BEFORE JANUARY 1, 2004, AND IS OTHERWISE QUALIFIED FOR LICENSURE
6 UNDER THIS CHAPTER, THE PERSON MAY BE EXEMPT FROM ANY EXAMINATION OR
7 SUPERVISED CLINICAL EXPERIENCE REQUIREMENTS.

8 32-4123. Application; statement of deficiencies; hearing

9 A. AN APPLICANT FOR LICENSURE SHALL FILE A COMPLETED APPLICATION AS
10 REQUIRED BY THE BOARD. THE APPLICANT SHALL INCLUDE APPLICATION AND
11 EXAMINATION FEES AS PRESCRIBED IN SECTION 32-4126.

12 B. THE BOARD MAY RETURN AN APPLICATION WITH A STATEMENT OF
13 DEFICIENCIES. ON REQUEST OF AN APPLICANT WHO DISAGREES WITH THE STATEMENT,
14 THE BOARD SHALL HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6.

15 32-4124. License renewal; changes of name or address

16 A. A LICENSE ISSUED PURSUANT TO THIS CHAPTER IS SUBJECT TO RENEWAL
17 EACH YEAR AND EXPIRES UNLESS RENEWED.

18 B. THE EXECUTIVE DIRECTOR SHALL SEND A RENEWAL APPLICATION TO EACH
19 LICENSEE AT LEAST SIXTY DAYS BEFORE EXPIRATION OF THE LICENSE.

20 C. EACH LICENSEE IS RESPONSIBLE FOR REPORTING TO THE BOARD A NAME
21 CHANGE AND CHANGES IN BUSINESS AND HOME ADDRESSES WITHIN THIRTY DAYS AFTER
22 ANY CHANGE.

23 32-4125. Reinstatement of license

24 A. THE BOARD MAY REINSTATE A LAPSED LICENSE ON PAYMENT OF A RENEWAL
25 FEE AND A REINSTATEMENT FEE AND PROOF THAT THE APPLICANT HAS MET ALL
26 REQUIREMENTS FOR CONTINUING COMPETENCY ESTABLISHED BY THE BOARD.

27 B. IF A PERSON'S LICENSE HAS LAPSED FOR MORE THAN THREE CONSECUTIVE
28 YEARS, THAT PERSON SHALL REAPPLY FOR A LICENSE AND PAY ALL APPLICABLE FEES.
29 THE PERSON SHALL ALSO DEMONSTRATE TO THE BOARD'S SATISFACTION COMPETENCY IN
30 THE PRACTICE OF ATHLETIC TRAINING OR SHALL SERVE AN INTERNSHIP UNDER A
31 RESTRICTED LICENSE OR TAKE REMEDIAL COURSES AS DETERMINED BY THE BOARD, OR
32 BOTH, AT THE BOARD'S DISCRETION. THE BOARD MAY ALSO REQUIRE THE APPLICANT TO
33 TAKE AN EXAMINATION.

34 32-4126. Fees

35 A. THE BOARD SHALL ESTABLISH AND COLLECT NONREFUNDABLE FEES THAT DO
36 NOT EXCEED THE FOLLOWING:

37 1. FOR AN APPLICATION FOR AN ORIGINAL LICENSE, THREE HUNDRED FIFTY
38 DOLLARS.

39 2. FOR A CERTIFICATE OF RENEWAL OF A LICENSE, TWO HUNDRED FIFTY
40 DOLLARS.

41 3. FOR AN APPLICATION FOR REINSTATEMENT OF A LICENSE, THREE HUNDRED
42 FIFTY DOLLARS.

43 4. FOR EACH DUPLICATE LICENSE, FIFTY DOLLARS.

44 5. FOR COPYING RECORDS, DOCUMENTS, LETTERS, MINUTES, APPLICATIONS AND
45 FILES, TWENTY-FIVE CENTS A PAGE.

1 B. THE BOARD SHALL CHARGE ADDITIONAL FEES FOR SERVICES NOT REQUIRED TO
2 BE PROVIDED BY THIS CHAPTER BUT THAT THE BOARD DETERMINES ARE NECESSARY AND
3 APPROPRIATE TO CARRY OUT THIS CHAPTER. THE FEES SHALL NOT EXCEED THE ACTUAL
4 COST OF PROVIDING THESE SERVICES.

5 ARTICLE 3. REGULATION

6 32-4151. Lawful practice

7 A. AN ATHLETIC TRAINER SHALL REFER A PERSON WITH AN ATHLETIC INJURY TO
8 ONE OR MORE APPROPRIATE HEALTH CARE PRACTITIONERS IF THE ATHLETIC TRAINER HAS
9 REASONABLE CAUSE TO BELIEVE SYMPTOMS OR CONDITIONS ARE PRESENT THAT REQUIRE
10 SERVICES BEYOND THE SCOPE OF PRACTICE OF ATHLETIC TRAINING OR IF ATHLETIC
11 TRAINING IS CONTRAINDICATED.

12 B. AN ATHLETIC TRAINER SHALL ADHERE TO THE RECOGNIZED STANDARDS AND
13 ETHICS OF THE ATHLETIC TRAINING PROFESSION AND AS FURTHER ESTABLISHED BY
14 RULE.

15 C. THIS CHAPTER DOES NOT AUTHORIZE AN ATHLETIC TRAINER TO PRACTICE ANY
16 OTHER PROFESSION REGULATED UNDER THIS TITLE AND DOES NOT EXPAND THE SCOPE OF
17 PRACTICE OF ANY HEALTH CARE PROVIDER WHO IS NOT LICENSED PURSUANT TO THIS
18 CHAPTER BUT WHO IS LICENSED PURSUANT TO THIS TITLE.

19 32-4152. Use of titles; restrictions; violation; classification

20 A. AN ATHLETIC TRAINER SHALL USE THE LETTERS "A.T.C." IN CONNECTION
21 WITH THE ATHLETIC TRAINER'S NAME OR PLACE OF BUSINESS TO DENOTE LICENSURE
22 UNDER THIS CHAPTER.

23 B. A PERSON OR BUSINESS ENTITY OR ITS EMPLOYEES, AGENTS OR
24 REPRESENTATIVES SHALL NOT USE IN CONNECTION WITH THAT PERSON'S NAME OR THE
25 NAME OR ACTIVITY OF THE BUSINESS THE WORDS "ATHLETIC TRAINING" OR "ATHLETIC
26 TRAINER", THE LETTERS "A.T.C.", "C.A.T.", "A.T.", "L.A.T." OR "A.T.L." OR ANY
27 OTHER WORDS, ABBREVIATIONS OR INSIGNIA INDICATING OR IMPLYING DIRECTLY OR
28 INDIRECTLY THAT ATHLETIC TRAINING IS PROVIDED OR SUPPLIED UNLESS THE SERVICES
29 ARE PROVIDED BY OR UNDER THE DIRECT SUPERVISION OF AN ATHLETIC TRAINER
30 LICENSED PURSUANT TO THIS CHAPTER. A PERSON OR ENTITY THAT VIOLATES THIS
31 SUBSECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

32 32-4153. Grounds for disciplinary action

33 THE FOLLOWING ARE GROUNDS FOR DISCIPLINARY ACTION:

34 1. PRACTICING ATHLETIC TRAINING IN VIOLATION OF THIS CHAPTER OR RULES
35 ADOPTED PURSUANT TO THIS CHAPTER.

36 2. PRACTICING OR OFFERING TO PRACTICE BEYOND THE SCOPE OF THE PRACTICE
37 OF ATHLETIC TRAINING.

38 3. OBTAINING OR ATTEMPTING TO OBTAIN A LICENSE BY FRAUD OR
39 MISREPRESENTATION.

40 4. ENGAGING IN THE PERFORMANCE OF SUBSTANDARD CARE BY AN ATHLETIC
41 TRAINER DUE TO A DELIBERATE OR NEGLIGENT ACT OR FAILURE TO ACT, REGARDLESS OF
42 WHETHER ACTUAL INJURY TO THE PERSON CARED FOR IS ESTABLISHED.

43 5. FAILING TO PROVIDE DIRECT SUPERVISION IN ACCORDANCE WITH THIS
44 CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

1 6. COMMITTING ANY FELONY OR A MISDEMEANOR INVOLVING MORAL TURPITUDE. A
2 CONVICTION BY A COURT OF COMPETENT JURISDICTION IS CONCLUSIVE EVIDENCE OF THE
3 COMMISSION OF THE CRIME.

4 7. PRACTICING AS AN ATHLETIC TRAINER IF THE LICENSEE'S PHYSICAL OR
5 MENTAL ABILITIES ARE IMPAIRED BY THE USE OF ALCOHOL OR ANY OTHER SUBSTANCE
6 THAT INTERFERES WITH THE ABILITY TO SAFELY PRACTICE ATHLETIC TRAINING.

7 8. HAVING HAD A LICENSE OR CERTIFICATE REVOKED OR SUSPENDED OR ANY
8 OTHER DISCIPLINARY ACTION TAKEN OR AN APPLICATION FOR LICENSURE OR
9 CERTIFICATION REFUSED, REVOKED OR SUSPENDED BY THE PROPER AUTHORITIES OF
10 ANOTHER STATE, TERRITORY OR COUNTRY.

11 9. ENGAGING IN SEXUAL MISCONDUCT. FOR THE PURPOSE OF THIS PARAGRAPH,
12 "SEXUAL MISCONDUCT" INCLUDES:

13 (a) ENGAGING IN OR SOLICITING SEXUAL RELATIONSHIPS, WHETHER CONSENSUAL
14 OR NONCONSENSUAL, WHILE A PROVIDER RELATIONSHIP EXISTS.

15 (b) MAKING SEXUAL ADVANCES, REQUESTING SEXUAL FAVORS OR ENGAGING IN
16 OTHER VERBAL CONDUCT OR PHYSICAL CONTACT OF A SEXUAL NATURE WITH A PERSON
17 TREATED BY THE ATHLETIC TRAINER.

18 (c) INTENTIONALLY VIEWING A COMPLETELY OR PARTIALLY DISROBED PATIENT
19 IN THE COURSE OF TREATMENT IF THE VIEWING IS NOT RELATED TO TREATMENT UNDER
20 CURRENT PRACTICE STANDARDS.

21 10. FAILING TO ADHERE TO THE RECOGNIZED STANDARDS AND ETHICS OF THE
22 ATHLETIC TRAINING PROFESSION.

23 11. MAKING MISLEADING, DECEPTIVE, UNTRUE OR FRAUDULENT REPRESENTATIONS
24 IN VIOLATION OF THIS CHAPTER.

25 12. CHARGING UNREASONABLE OR FRAUDULENT FEES FOR SERVICES PERFORMED OR
26 NOT PERFORMED.

27 13. HAVING BEEN ADJUDGED MENTALLY INCOMPETENT BY A COURT OF COMPETENT
28 JURISDICTION.

29 14. AIDING OR ABETTING A PERSON WHO IS NOT LICENSED IN THIS STATE AND
30 WHO DIRECTLY OR INDIRECTLY PERFORMS ACTIVITIES REQUIRING A LICENSE.

31 15. FAILING TO REPORT TO THE BOARD ANY ACT OR OMISSION OF A LICENSEE OR
32 APPLICANT OR ANY OTHER PERSON WHO VIOLATES THIS CHAPTER.

33 16. INTERFERING WITH AN INVESTIGATION OR DISCIPLINARY PROCEEDING BY
34 WILFUL MISREPRESENTATION OF FACTS OR BY THE USE OF THREATS OR HARASSMENT
35 AGAINST ANY PERSON TO PREVENT THAT PERSON FROM PROVIDING EVIDENCE IN A
36 DISCIPLINARY PROCEEDING OR ANY LEGAL ACTION.

37 17. FAILING TO MAINTAIN CONFIDENTIALITY WITHOUT PRIOR WRITTEN CONSENT
38 OF THE INDIVIDUAL TREATED OR UNLESS OTHERWISE REQUIRED BY LAW.

39 18. FAILING TO MAINTAIN ADEQUATE RECORDS REGARDING TREATMENT. FOR THE
40 PURPOSES OF THIS PARAGRAPH, "ADEQUATE RECORDS" MEANS LEGIBLE RECORDS THAT
41 CONTAIN AT A MINIMUM A DETERMINATION OF THE NATURE OF THE INJURY AND THE
42 REFERRAL AND TREATMENT REQUIRED, THE TREATMENT PLAN, THE TREATMENT RECORD, A
43 FINAL SUMMARY ON CONCLUSION OF TREATMENT AND SUFFICIENT INFORMATION TO
44 IDENTIFY THE PERSON TREATED.

1 19. PROMOTING AN UNNECESSARY DEVICE, TREATMENT OR SERVICE FOR THE
2 FINANCIAL GAIN OF THE ATHLETIC TRAINER OR OF A THIRD PARTY.

3 20. PROVIDING UNWARRANTED TREATMENT OR TREATMENT BEYOND THE POINT OF
4 REASONABLE BENEFIT.

5 21. PROVIDING ATHLETIC TRAINING SERVICES THAT ARE IN ANY WAY LINKED TO
6 THE FINANCIAL GAIN OF A REFERRAL SOURCE.

7 22. VIOLATING THIS CHAPTER, BOARD RULES OR A WRITTEN ORDER OF THE
8 BOARD.

9 32-4154. Investigative powers; emergency action; hearing
10 officers

11 A. TO ENFORCE THIS CHAPTER THE BOARD MAY:

12 1. RECEIVE COMPLAINTS FILED AGAINST LICENSEES AND CONDUCT A TIMELY
13 INVESTIGATION.

14 2. CONDUCT AN INVESTIGATION AT ANY TIME AND ON ITS OWN INITIATIVE
15 WITHOUT RECEIPT OF A WRITTEN COMPLAINT IF THE BOARD HAS REASON TO BELIEVE
16 THAT THERE MAY BE A VIOLATION OF THIS CHAPTER.

17 3. ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF ANY WITNESS OR THE
18 PRODUCTION OF ANY DOCUMENTATION RELATIVE TO A CASE.

19 4. TAKE EMERGENCY ACTION ORDERING THE SUMMARY SUSPENSION OF A LICENSE
20 OR THE RESTRICTION OF THE LICENSEE'S PRACTICE PENDING PROCEEDINGS BY THE
21 BOARD.

22 5. APPOINT HEARING OFFICERS AUTHORIZED TO CONDUCT HEARINGS. HEARING
23 OFFICERS SHALL PREPARE AND SUBMIT TO THE BOARD FINDINGS OF FACT, CONCLUSIONS
24 OF LAW AND AN ORDER THAT SHALL BE REVIEWED AND VOTED ON BY THE BOARD.

25 6. REQUIRE A LICENSEE TO BE EXAMINED TO DETERMINE THE LICENSEE'S
26 MENTAL, PHYSICAL OR PROFESSIONAL COMPETENCE.

27 B. IF THE BOARD FINDS THAT THE INFORMATION RECEIVED IN A COMPLAINT OR
28 AN INVESTIGATION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT DIRECT ACTION
29 AGAINST THE LICENSEE, IT MAY TAKE EITHER OF THE FOLLOWING ACTIONS:

30 1. DISMISS THE COMPLAINT IF THE BOARD BELIEVES THE INFORMATION OR
31 COMPLAINT IS WITHOUT MERIT.

32 2. FORWARD A CONFIDENTIAL ADVISORY LETTER TO THE LICENSEE.

33 C. THE BOARD SHALL NOTIFY A LICENSEE OF A COMPLAINT AND THE NATURE OF
34 THE COMPLAINT WITHIN NINETY DAYS AFTER RECEIVING THE COMPLAINT.

35 D. ANY PERSON MAY SUBMIT A COMPLAINT REGARDING ANY LICENSEE OR OTHER
36 PERSON POTENTIALLY IN VIOLATION OF THIS CHAPTER.

37 E. THE BOARD SHALL KEEP CONFIDENTIAL ALL INFORMATION RELATING TO THE
38 RECEIPT AND INVESTIGATION OF COMPLAINTS FILED AGAINST LICENSEES AND OTHERS
39 UNTIL THE INFORMATION BECOMES PUBLIC RECORD OR AS REQUIRED BY LAW.

40 32-4155. Informal interviews; hearings

41 A. THE BOARD MAY REQUEST AN INFORMAL INTERVIEW WITH A LICENSEE OR ANY
42 NONLICENSED PERSON IN ORDER TO FURTHER ITS INVESTIGATION OR TO RESOLVE A
43 COMPLAINT.

44 B. IF AT AN INFORMAL INTERVIEW THE BOARD FINDS A VIOLATION OF THIS
45 CHAPTER HAS OCCURRED THAT CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION, IT MAY

1 TAKE ANY DISCIPLINARY ACTIONS PRESCRIBED IN SECTION 32-4156, PARAGRAPH 1, 2
2 OR 3.

3 C. IF THE RESULTS OF AN INFORMAL INTERVIEW INDICATE THAT SUSPENSION OR
4 REVOCATION OF A LICENSE OR THE IMPOSITION OF A CIVIL PENALTY MAY BE IN ORDER,
5 THE BOARD SHALL NOTIFY THE SUBJECT OF THE INVESTIGATION OF THE TIME AND PLACE
6 FOR A HEARING PURSUANT TO SUBSECTION D OF THIS SECTION.

7 D. IN LIEU OF OR IN ADDITION TO AN INFORMAL INTERVIEW AS PROVIDED IN
8 SUBSECTION A OF THIS SECTION, THE BOARD MAY SERVE ON A LICENSEE A SUMMONS AND
9 COMPLAINT SETTING FORTH THE GROUNDS FOR DISCIPLINARY ACTION AND NOTICE OF A
10 HEARING TO BE HELD BEFORE THE BOARD AT LEAST THIRTY DAYS AFTER THE DATE OF
11 THE NOTICE. THE NOTICE SHALL STATE THE TIME AND PLACE OF THE HEARING.

12 E. A PERSON APPEARING BEFORE THE BOARD MAY BE REPRESENTED BY COUNSEL.

13 F. THE HEARING OFFICER SHALL ADMINISTER OATHS TO ALL WITNESSES, SHALL
14 KEEP A RECORD OF ALL ORAL TESTIMONY SUBMITTED AT THE HEARING AND SHALL KEEP
15 THE ORIGINAL OR A COPY OF ALL OTHER EVIDENCE SUBMITTED. THE HEARING OFFICER
16 MAY WAIVE THE RULES OF EVIDENCE.

17 G. A MOTION FOR REHEARING OR REVIEW OF THE BOARD'S DECISION IN A
18 DISCIPLINARY ACTION SHALL BE FILED WITHIN FIFTEEN DAYS AFTER SERVICE OF
19 NOTICE OF THE DECISION. THE BOARD SHALL CONDUCT A REHEARING OR REVIEW
20 PURSUANT TO BOARD RULES.

21 H. THE SERVICE OF A SUMMONS AND COMPLAINT AND THE SERVICE OF A
22 SUBPOENA SHALL BE AS PROVIDED FOR SERVICE IN CIVIL CASES.

23 I. IF A PERSON DISOBEYS A SUBPOENA, THE BOARD MAY PETITION THE
24 SUPERIOR COURT FOR AN ORDER REQUIRING APPEARANCE OR THE PRODUCTION OF
25 DOCUMENTS.

26 32-4156. Disciplinary actions; penalties

27 ON PROOF THAT A LICENSEE HAS VIOLATED ANY GROUNDS PRESCRIBED IN SECTION
28 32-4153, THE BOARD MAY TAKE THE FOLLOWING DISCIPLINARY ACTIONS SINGLY OR IN
29 COMBINATION:

30 1. ISSUE A DECREE OF CENSURE.

31 2. PRESCRIBE A LICENSEE'S SCOPE OF PRACTICE, PLACE OF PRACTICE OR
32 SUPERVISION OF PRACTICE, THE DURATION OF A LICENSE OR THE TYPE OR CONDITION
33 OF PERSONS CARED FOR BY A LICENSEE. THE BOARD MAY REQUIRE A LICENSEE TO
34 REPORT REGULARLY TO THE BOARD ON MATTERS RELATED TO THE GROUNDS FOR THE
35 RESTRICTED LICENSE.

36 3. SUSPEND A LICENSE FOR A PERIOD PRESCRIBED BY THE BOARD.

37 4. REVOKE A LICENSE.

38 5. REFUSE TO ISSUE OR RENEW A LICENSE.

39 6. IMPOSE A CIVIL PENALTY OF AT LEAST TWO HUNDRED FIFTY DOLLARS BUT
40 NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION OF THIS CHAPTER. IN
41 ADDITION THE BOARD MAY ASSESS AND COLLECT THE REASONABLE COSTS INCURRED IN A
42 DISCIPLINARY HEARING WHEN ACTION IS TAKEN AGAINST A PERSON'S LICENSE.

43 7. ACCEPT THE VOLUNTARY SURRENDER OF A LICENSE.

1 32-4157. Unlawful practice; classification; civil penalties;
2 injunctive relief

3 A. IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE OR IN ANY MANNER TO CLAIM
4 TO PRACTICE ATHLETIC TRAINING UNLESS THAT PERSON IS LICENSED PURSUANT TO THIS
5 CHAPTER. A PERSON WHO ENGAGES IN AN ACTIVITY REQUIRING A LICENSE PURSUANT TO
6 THIS CHAPTER OR WHO USES ANY WORD, TITLE OR REPRESENTATION IN VIOLATION OF
7 SECTION 32-4152 THAT IMPLIES THAT THE PERSON IS LICENSED TO ENGAGE IN THE
8 PRACTICE OF ATHLETIC TRAINING IS GUILTY OF A CLASS 1 MISDEMEANOR.

9 B. THE BOARD MAY INVESTIGATE ANY PERSON TO THE EXTENT NECESSARY TO
10 DETERMINE IF THE PERSON IS ENGAGED IN THE UNLAWFUL PRACTICE OF ATHLETIC
11 TRAINING. IF AN INVESTIGATION INDICATES THAT A PERSON MAY BE PRACTICING
12 ATHLETIC TRAINING UNLAWFULLY, THE BOARD SHALL INFORM THE PERSON OF THE
13 ALLEGED VIOLATION. THE BOARD MAY REFER THE MATTER FOR PROSECUTION REGARDLESS
14 OF WHETHER THE PERSON CEASES THE UNLAWFUL PRACTICE OF ATHLETIC TRAINING.

15 C. THE BOARD, THROUGH THE APPROPRIATE COUNTY ATTORNEY OR THE OFFICE OF
16 THE ATTORNEY GENERAL, MAY APPLY FOR INJUNCTIVE RELIEF IN ANY COURT OF
17 COMPETENT JURISDICTION OR ENJOIN ANY PERSON FROM COMMITTING ANY ACT IN
18 VIOLATION OF THIS CHAPTER. INJUNCTIVE PROCEEDINGS ARE IN ADDITION TO ALL
19 PENALTIES AND OTHER REMEDIES PRESCRIBED IN THIS CHAPTER.

20 D. A PERSON WHO AIDS OR REQUIRES ANOTHER PERSON TO DIRECTLY OR
21 INDIRECTLY VIOLATE THIS CHAPTER OR BOARD RULES, WHO PERMITS A LICENSE TO BE
22 USED BY ANOTHER PERSON OR WHO ACTS WITH THE INTENT TO VIOLATE THIS CHAPTER OR
23 BOARD RULES IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND
24 DOLLARS FOR EACH VIOLATION AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
25 SUBSEQUENT VIOLATION. THE BOARD SHALL HOLD A HEARING BEFORE IT IMPOSES THIS
26 PENALTY.

27 E. ALL MONIES THE BOARD COLLECTS FORM CIVIL PENALTIES PURSUANT TO THIS
28 CHAPTER SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE
29 STATE GENERAL FUND.

30 32-4158. Reporting violations; immunity

31 A. A PERSON, LICENSEE, CORPORATION, EDUCATIONAL INSTITUTION, ATHLETIC
32 ORGANIZATION OR HEALTH CARE FACILITY AND STATE OR LOCAL GOVERNMENTAL AGENCIES
33 SHALL REPORT TO THE BOARD ANY CONVICTION, DETERMINATION OR FINDING THAT A
34 LICENSEE HAS COMMITTED AN ACT THAT CONSTITUTES GROUNDS FOR DISCIPLINARY
35 ACTION PURSUANT TO SECTION 32-4153.

36 B. A PERSON IS IMMUNE FROM CIVIL LIABILITY, WHETHER DIRECT OR
37 DERIVATIVE, FOR PROVIDING INFORMATION IN GOOD FAITH TO THE BOARD PURSUANT TO
38 SUBSECTION A OF THIS SECTION.

39 C. THE BOARD SHALL NOT DISCLOSE THE IDENTITY OF A PERSON WHO PROVIDES
40 INFORMATION UNLESS THIS INFORMATION IS ESSENTIAL TO PROCEEDINGS CONDUCTED
41 PURSUANT TO SECTIONS 32-4154 AND 32-4155 OR UNLESS REQUIRED BY A COURT.

42 32-4159. Substance abuse recovery program

43 IN LIEU OF A DISCIPLINARY PROCEEDING PRESCRIBED BY THIS ARTICLE, THE
44 BOARD MAY PERMIT A LICENSEE TO ACTIVELY PARTICIPATE IN A BOARD APPROVED
45 SUBSTANCE ABUSE RECOVERY PROGRAM IF:

1 Sec. 4. Initial terms of members of the board of athletic
2 training

3 A. Notwithstanding section 32-4102, Arizona Revised Statutes, as added
4 by this act, the initial terms of members of the board of athletic training
5 are:

- 6 1. One term ending on the third Monday in January, 2002.
- 7 2. One term ending on the third Monday in January, 2003.
- 8 3. One term ending on the third Monday in January, 2004.
- 9 4. One term ending on the third Monday in January, 2005.
- 10 5. One term ending on the third Monday in January, 2006.

11 B. The governor shall make all subsequent appointments as prescribed
12 by statute.

13 Sec. 5. Purpose

14 The purpose of the board of athletic training is to protect the public
15 health by ensuring that athletic training is provided by qualified and
16 competent individuals.

17 Sec. 6. Appropriation; purpose; repayment

18 A. The sum of \$60,000 is appropriated in fiscal year 2000-2001 from
19 the state general fund to the board of athletic training for the start-up and
20 operating costs of the board associated with the provisions of this act.

21 B. Notwithstanding section 32-4105, Arizona Revised Statutes, as added
22 by this act, the board of athletic training shall deposit ten per cent of the
23 monies collected pursuant to this act in the state general fund in accordance
24 with the requirements of section 32-4105, Arizona Revised Statutes, as added
25 by this act. The board of athletic training shall deposit an additional
26 forty per cent of the monies collected pursuant to this act in the state
27 general fund to repay the state general fund for the appropriation made in
28 subsection A of this section and shall deposit the remaining fifty per cent
29 to the occupational therapy fund established by section 32-3405, Arizona
30 Revised Statutes, as amended by this act, until all monies appropriated
31 pursuant to subsection A of this section are repaid to the state general
32 fund. If the monies are not repaid in full on or before June 30, 2001, the
33 department of administration shall transfer from the occupational therapy
34 fund to the state general fund monies as necessary to repay in full the
35 amount appropriated in subsection A of this section. If the amount of monies
36 remaining in the board of athletic training account on that date is less than
37 the remaining amount owed to the state general fund for the appropriation
38 made in subsection A of this section, the board of athletic training shall
39 continue to deposit the additional forty per cent of monies collected after
40 that date, until the amount is fully repaid. The department of administration
41 shall charge interest to the fund on the occupational therapy monies at the
42 rate that is determined by the state treasurer and that equals the average
43 rate that monies would have earned through investment if they had been state
44 general fund monies.

1 Sec. 7. Requirements for enactment; two-thirds vote

2 Pursuant to article IX, section 22, Constitution of Arizona, this act
3 is effective only on the affirmative vote of at least two-thirds of the
4 members of each house of the legislature and is effective immediately on the
5 signature of the governor or, if the governor vetoes this act, on the
6 subsequent affirmative vote of at least three-fourths of the members of each
7 house of the legislature.